UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
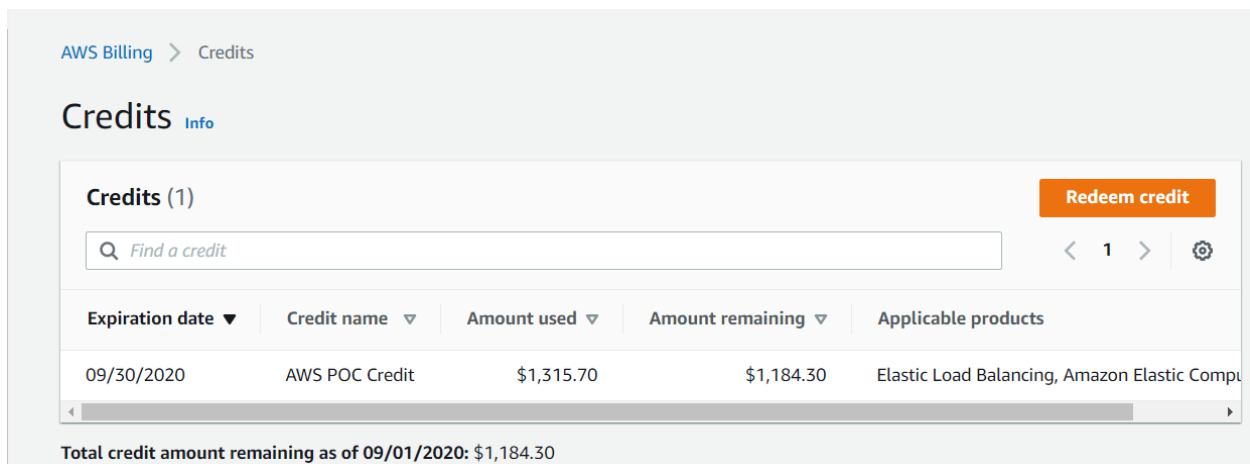

Peakspeed, Inc.
 	
    Plaintiff,
 	
v.
 	
Timothy Emerson,
 	
    Defendant.
	Civil File No. 0:20-cv-01630-JRT-BRT
	
	DECLARATION OF TIMOTHY EMERSON IN SUPPORT OF HIS OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUCTION

I, Timothy Emerson, declare as follows:

1. I have personal knowledge of the facts recited herein and if called upon to testify concerning them under oath I would do so competently.

2. A true and correct copy of an email I sent on November 8, 2019 to Dave Eaton, Dan Eaton, Joe Greshik, and Matthew Baldin about my success in getting TrueView to run on an AWS F1 Instance is being filed as **Exhibit 3** to Defendant's Opposition to Peakspeed's Motion for Preliminary Injunction.

3. A true and correct copy of an email I sent on December 18, 2019 to Dave and Dan Eaton about AWS Marketplace Registration is being filed as **Exhibit 4** to Defendant's Opposition to Peakspeed's Motion for Preliminary Injunction.

4. True and correct copies the AWS Invoices for the EmersonAI account from March, April, May, and June 2020 are being attached as **Exhibit 9** to Defendant's Opposition to Peakspeed's Motion for Preliminary Injunction.

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5. A true and correct copy of the EmersonAI Sales and Marketing Plan Gantt chart that was created by David Eaton on November 26, 2019 is being filed as **Exhibit 10** to Defendant's Opposition to Peakspeed's Motion for Preliminary Injunction

6. Below is a true and correct screenshot of from EmersonAI's AWS account showing that the current balance of the AWS POC credit is $1,184.30 out of the original $2,500 credit that EmersonAI received as of September 1, 2020:

7. EmersonAI's most valuable assets are its intellectual property, which includes the TrueView and IdentifAI source code.

8. If the Court grants Peakspeed′s preliminary injunction EmersonAI will most likely go out of business because it will not be able to conduct any business or utilize its intellectual property to generate revenue.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

September 30, 2020 in Fort Collins, CO.

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Timothy Emerson

CHRIS EVANS FIRM LLC

Dated: September 30, 2020

By /s/ Christopher L. Evans
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